

## **AGENDA**

**FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 28<sup>TH</sup> OF NOVEMBER 2016 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

*A COPY OF THE AGENDA CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGEANCE**

**4. APPROVAL OF AGENDA**

**5. APPROVAL OF MINUTES:**  
Minutes of November 14, 2016

**6. PUBLIC HEARING WITH POSSIBLE ACTION**

**A. REQUEST TO AMEND THE ZONE MAP FROM R-1 & A-R TO M-C:**

**D'NETTE WOOD. Legal Description:** Township 5 North , Range 2 East, Section 18, Map 100, Tracts 190E,190C, 190D, 190E, 190G, 226A, 224, 225B1A1,225B1B2, 201B2, 225B1A2A, 225B1A3B & Township 5 North, Range 2 East, Section 19, Map 100, Tracts 225B3, 226B& 230B2B1B, aka 501 Bernard Ave., Belen NM 87002

**B. REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTION:**

**D'NETTE WOOD. Legal Description** – same as above.

**7. DISCUSSION**

Fence Ordinance

**8. OPEN COMMENTS/REQUESTS**

**9. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/S/

Lisa R Miller

Planning & Zoning Administrator

cc: Mayor & City Council  
Belen Public Library  
Belen Recreation Center

Belen Chamber of Commerce  
News Bulletin  
Belen City Hall

**JERAH R CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2746  
[www.belen-nm.gov](http://www.belen-nm.gov)

**WAYNE GALLEGOS**  
CITY COUNCIL  
**DAVID CARTER**  
CITY COUNCIL  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCIL

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
NOVEMBER 14, 2016**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

**PRESENT:** Chairman Steve Etheridge  
Vice Chair Pete Armstrong  
Commissioner Gordon Reeves  
Commissioner Claudine Montano  
Commissioner Debbie Thompson

**CITY STAFF:** Steven Tomita, Planning & Economic Development Director  
Lisa Miller, Planning & Zoning Administrator

**OTHER:** Sabrina Botts  
Dennis Carriere  
Karrem Alston

**PLEDGE OF ALLEGEANCE**  
Chairman Steve Etheridge led the Pledge.

**APPROVAL OF AGENDA:**  
Commissioner Gordon Reeves moved to approve the Agenda.

Vice Chair Pete Armstrong seconded the Motion.

Motion Carried.

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of October 31, 2016 were reviewed.

Vice Chair Pete Armstrong had a few questions about the minutes. He questioned the lot sizes that are on the books and the minutes do not reflect this.

Steven Tomita said that the minutes reflect what was said at the meeting. If it was not discussed it will not be reflected in the minutes.

Commissioner Debbie Thompson moved to approve the minutes.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

**DISCUSSION WITH POSSIBLE ACTION**

**Fence Ordinance**

Steven Tomita informed the Commission that we need to, at this point, refine what was discussed on the fence ordinance at the last meeting. He said that as far as the lot size goes, the original lot size that was platted, is 50' by 150', which is not big enough to build a regular home on. The original lot sizes were most likely planned for shotgun homes. Most of the homes are built on more than one lot and the City is now requiring them to be combined into one if any new building or structure is to be placed there or you can request a variance because of a hardship.

Lisa Miller explained that according to the County Assessor, if you have more than one lot on your tax bill, they look at it as one unit even though it consists of more than one lot. You can separate them at the County by removing each lot from the one tax bill and placing them on separate bills.

Vice Chair Pete Armstrong asked about the rear setbacks concerning the 200 square foot building.

Steven Tomita informed them that they are not amending the Zoning Ordinance at this time, just the fence ordinance. The Council does not want to address the whole Zoning Ordinance. The only thing that was added, other than the fence, is the C-1 and C-2 regulations have been flipped. That one does need to be done. The Zoning Ordinance on a whole will be addressed after the Comprehensive Plan is revised.

Chairman Steve Ethridge asked why they were addressing the fence ordinance.

Steven Tomita informed the Commission that the City has received complaints about a fence and some of the Council wants this addressed and it is wanted by the end of the year.

Chairman Steve Ethridge said that fencing should be defined. He has an issue with restricting chain link fences. He said that some people cannot afford anything but a chain link fence.

Steven Tomita said that this is for what we want the City to look like in the future. If they need to put up a chain link fence they can always come in for a variance. Existing chain link fences will

be grandfathered in. They can stay as is, but if they go to change it they have to go by current regulations. The whole intent of this is to change the way the City looks.

Vice Chair Pete Armstrong said that this need to be spelled out, in the ordinance, that all the fences that exist will be grandfathered in and that all the new fences have to adhere to the new ordinance, with the possibility of applying for a variance if there is a need.

Dennis Carriere said that the number one fence in the US is the chain link fence and if a community was to out rule the usage of this is odd.

Steven Tomita said that it is becoming more prevalent that cities want to go towards block fences, or decorative fences instead of allowing chain link fences. The reason is that these type of fences are better maintained than the chain link fence.

Vice Chair Pete Armstrong has a concern about not allowing fencing within the front setback and thinks there are appropriate areas for chain link plus appropriate areas for razor wire on top of fences

Steven Tomita said that it was from the front corner of the home and not the setback and this needs to be made clear. The razor wire should come before the Commission as a variance, due to safety factors involving the police and fire departments.

Chairman Steve Ethridge said that if he was a business coming in he would prefer to have the razor wire around the top of his fence to deter break ins and stealing.

Commissioner Debbie Thompson asked if the fence ordinance could be broken down into different categories like residential, commercial, and industrial.

Steven Tomita said it could.

Commissioner Debbie Thompson said that she would like to see that done. The commercial and industrial areas are different and should have subtle differences in the fence regulations. She asked if a enclosed courtyard would be allowed in the front since there will be no fencing allowed.

Dennis Carriere said that a courtyard is a part of the structure and not necessarily a fence. Most courtyards are attached to homes.

Commissioner Debbie Thompson asked if there would be any type of permitting involved with constructing a courtyard.

Lisa Miller said that anytime you add to a structure it needs a building permit and anything placed in the front setback they will need to get a variance also.

Steven Tomita said that the P & Z Commission needs to be involved in a courtyard being placed within a setback. They need to define how far they will allow them to encroach on the setback and it needs to be decided whether it will be done by a request for a variance or will it be done administratively. If administratively it needs to have guidelines put in place by the P & Z Commission so that the staff knows what is expected.

Commissioner Gordon Reeves said it should go through a variance procedure for that. Norman new construction the front courtyard is on the building plans.

Steven Tomita said that the reason we say the corner of the house and not the setback is where you have the garages farther forward than the front of the house. The front of the garage is usually at the setback line. With it worded to be the corner of the house it stops an owner from placing a fence in front of the actual home.

Commissioner Gordon Reeves asked about the sidewall of the fence.

Steven Tomita said that it must match or be in harmony with the building. We will be going through all the categories to determine fence restrictions within each before this goes to the City Council for review. He said they should think about adding fence height for pools. They are usually 6 feet or higher. He said he would put in another category for pools and refer it to the pool Ordinance which will be worked on after the Comprehensive Plan is complete.

Commissioner Debbie Thompson asked about the post and rail fence. That type of fence is mainly used for agricultural purposes. She also said that there are some nice manufactured decorative fencing out there.

It was decided to add Stucco, manufactured decorative fencing and limit the post and rail to parcels one acre or larger. Picket fencing was also removed from the list of fencing material types for a residential area.

Chairman Steve Ethridge said that he thinks that the use of railroad ties, pallets, corrugated steel and razor wire should be removed from the regulations. He asked what the difference was between corrugated steel and pro panel.

Steven Tomita said that corrugated steel is compressed bits of steel the same as plywood is compressed wood. Pro panel is one solid sheet. The purpose of this is that you don't want to see a bunch of corrugated steel up and down the streets of Belen.

Sabrina Botts asked if she was going to re-fence her property would she have to set it back 20 feet and get permission from the P & Z Commission.

Steven Tomita said that if she was replacing an existing fence that is in need of repair, she could replace it with the same type of fencing, but if she was going to replace it with something different she would have to come in, but this is if it happened after the new fence regulations go into effect.

## **DISCUSSION**

### **Airport Overlay Zone-Land Use**

Steven Tomita said where they need to go ahead with is to come up with different uses in different areas in the airport area and around the airport area. What they may want to look at is a transition zone from the SU-1 to the area around it. A space that will have multiple uses before it becomes residential areas. He asked Lisa if all SU zone issues go to the Council for final approval.

Lisa Miller said that they do because it is a zone change.

Steven Tomita asked if it was already zoned SU-1.

Lisa Miller said that if it is for any type of subdivision or development, it goes thru a plan review.

Steven Tomita said that anything that is allowed to go into a SU-1 zone should submit a plan of some sort for approval which should be reviewed by the Planning & Zoning Commission.

Lisa Miller said that they have to place these restrictions in the approval of the SU-1 zone.change documentation.

Steven Tomita said that if this is specified in the documentation then the Council would be aware of what uses could go in there and then it would be up to the Planning & Zoning Commission to approve any requests for that area. Council is approving the underlying use of the property but it is the Planning & Zoning Commission who is reviewing and approving that use within those guidelines. We can establish a transition zone area. In this transition area here is what we are looking for as far as uses within that area.

Commissioner Gordon Reeves asked if those property owners going to agree with that.

Steven Tomita said that we would not be rezoning it we would just be putting certain restrictions on the uses within the present zone.

Kareem Alston said that he was not technically in Belen but he is concerned about what will happen up in that area. He lives on James St, which is also up on the mesa, and has already seen an increase of plane traffic over his home. He is within the tree mile radius of the airport.

Steven Tomita said that Belen under state law, has planning & platting jurisdiction within that three mile radius. We can impose uses and restrictions within that area which allows us to properly plan so the City can grow in a planned manner and not just all over the place planning and development.

Kareem Alston asked if his area would eventually be annexed into the City limits.

Steven Tomita said that it is a big possibility in the future. The City Council approved us to go after a Comprehensive Plan update grant of \$50,000.00 and this plan lays out the future planning of the City of Belen. Utilities, road, future land use, public infrastructure, etc. will be shown in this plan for what the City plans to see itself in the next 25 years. The three mile radius is included in this plan. We don't want to re-zone anyone's property but say that these are the appropriate uses for that transition zone.

#### **OPEN COMMENTS/REQUESTS**

Commissioner Debbie Thompson said that she had heard that there was another funeral home coming to Belen and asked if the Staff has heard this also and if they have received any inquiries along this line.

Lisa Miller said that she has not heard anything.

Vice Chair Pete Armstrong said that he has heard that Romero Funeral Home is trying to bring in a crematory there.

Steven Tomita said that he has heard that one. He informed the Commission that the City is putting in electrical outlets on the outside of City Hall and possibly on the lights located in the parking lot of City Hall. The one on the building will be located up high so that someone cannot try to do damage to it and also keep from frying someone also, due to the fact that it will be a 60 amp power source. The cable coming from that will be plugged into a unit that will have several available pug in areas. Loves is coming to Belen. There was a meeting with me and they are moving forward with the development plans for the truck stop.

**ADJOURNMENT**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 8:11 pm.

\_\_\_\_\_  
Chairman Steve Ethridge

**ATTEST:** \_\_\_\_\_  
Steven Tomita, Planning & Economic Development Director

**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST TO AMEND THE ZONE MAP FROM R-1 & A-R TO M-C: D'NETTE WOOD.**

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 190E, 190C, 190D, 190E, 190G, 226A, 224, 225B1A1, 225B1B2, 201B2, 225B1A2A, 225B1A3B & Township 5 North, Range 2 East, Section 19, Map 100, Tracts 225B3, 226B & 230B2B1B, aka 501 Bernard Ave., Belen, NM, 87002.

You are further notified that this public hearing will be held on **Monday, November 28, 2016 at 6:30 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

The Belen City Council will consider the recommendation of the Belen Planning & Zoning Commission and take action on the request to Amend the Zone Map at a public hearing which will be held on **Monday, December 5, 2016 at 6:00 P.M.**, in the Council Chambers at City Hall, 100 South Main Street, Belen NM 87002

**LEGAL NOTICE PUBLISHED: November 10, 2016**







**CITY OF BELEN, NEW MEXICO  
AMENDMENT TO ZONING MAP APPLICATION  
(ZONE CHANGE)**

Applicants Name: SLUG LLC Phone: 505-238-7322  
Address: Ladell Ruiz DE, Albuquerque, NM 87109  
Authorized Agents Name: Diana G. D'Alto Phone: 505-238-7322  
Address: Ladell Ruiz DE, Albuquerque, NM 87109

Address of Property: 501 Bernard Ave. Belen, NM  
Block and Lot: See Exhibit "A" Addition: \_\_\_\_\_  
Tract Number: \_\_\_\_\_ Map: \_\_\_\_\_  
Total acreage in Tract: 8.3604  
Number of Dwellings: \_\_\_\_\_ Density/Acre: \_\_\_\_\_  
Zoning of Property: R1, A-1 Present Use: VACANT - Previous Commercial  
Requested Zoning: M-C

Truck Repair  
& Construction  
yard

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

- Filing fee of \$250.00
- Letter of transmittal, describing existing zoning, proposed zoning and reasons for the request.
- Affidavit of ownership.
- A scaled drawing describing the survey of tract boundaries, the location of all roads on and adjacent to the tract, the existing zoning for the tract and adjacent properties.
- Survey plat showing boundary, metes and bounds description of the land proposed for rezoning.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

**NOTE:** Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Amendment to the Zoning Map. I have examined and am familiar with the zoning regulations of the present zone and the requested zone. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Diana G. D'Alto  
Signature of Applicant

10/27/14  
Date

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING  
COMMISSION AND THE BELEN CITY COUNCIL.**

Planning and Zoning Commission Meeting  
Belen City Council Meeting

Date: 11-28-16 Approved/Disapproved: \_\_\_\_\_  
Date: \_\_\_\_\_ Approved/Disapproved: \_\_\_\_\_

FEE PAID: 250 RECEIPT NO.: 14.000206 DATE: 11-4-16

OWNERS AFFIDAVIT

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We, DAnna Wood

(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at

501 Bernard, Belen, NM, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

through the City of Belen. Furthermore, (I) (we) hereby appoint

Dette Wood of ANIO Real Estate LLC as our agent to act in our

behalf on all matters pertaining to the processing of this application.

DAnna Wood  
Signed

Dette Ruby De  
Address

Aubergerie, NM 87109

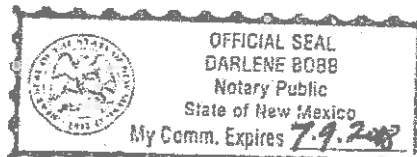
505-238-7322  
Phone

Subscribed and sworn to before me this 27 day of October, 2016.

Darlene Bobb  
Notary

My Commission Expires:

7-9-2018



November 1, 2016

## **Request for Zone Change**

501 Bernard Ave. Belen, NM  
Owner: SWPG, LLC

Greetings:

501 Bernard Ave. has historically been used as commercial property repairing heavy equipment and trucks, and contractor storage yard since the 1980's. Upon review of the current city zoning records, the property appears to be zoned R-1 and A-R.

This is a rezoning application for M-C zoning at this property for the maintenance of solid waste refuse trucks.

Sincerely,

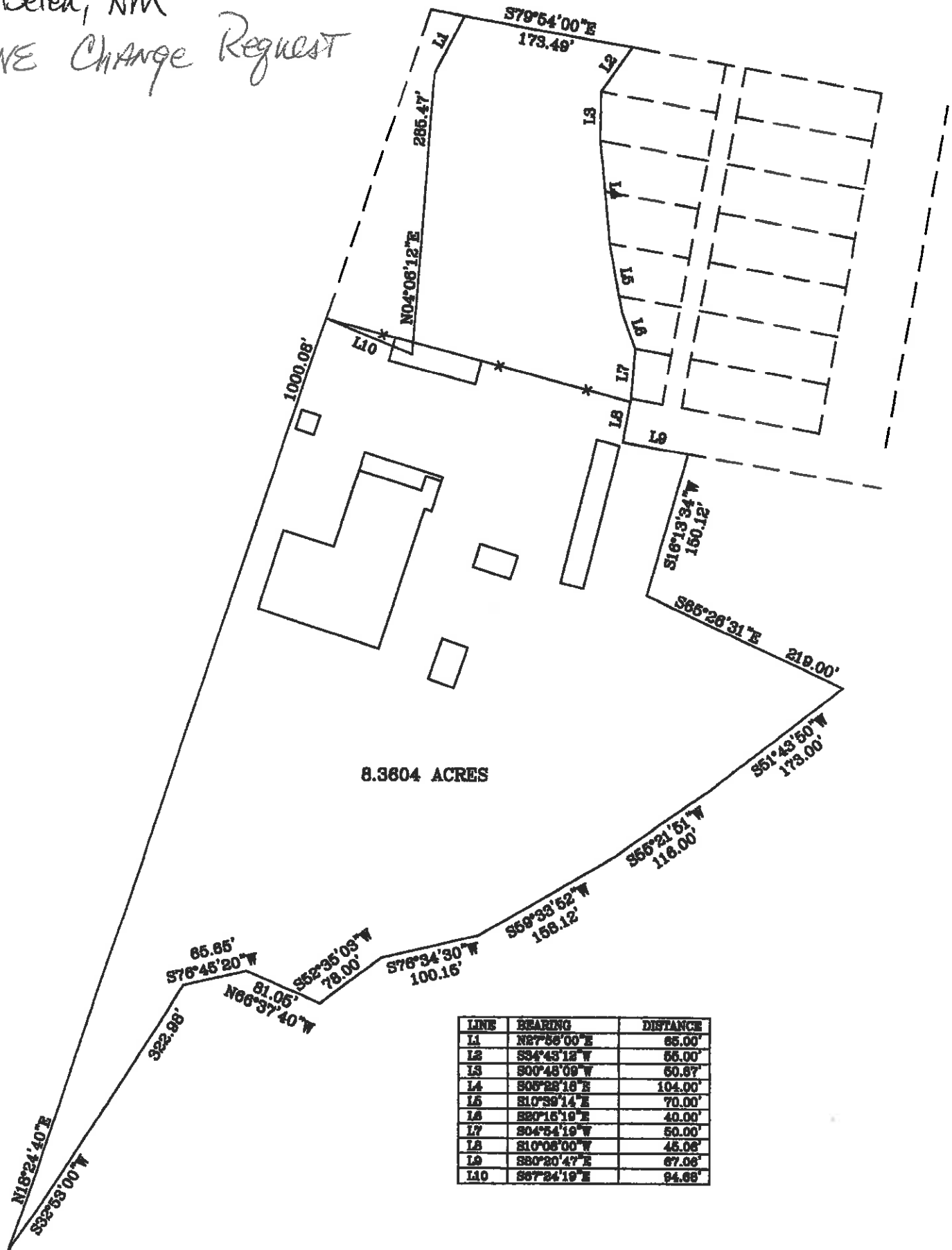
A handwritten signature in blue ink, appearing to read 'D'Nette Wood', with a large, stylized loop at the end.

D'Nette Wood – Agent

501 Bernard ave Belen, NM  
Zoning Request



501 BERNARD Ave.  
Belen, Nm  
ZONE Change Request



LINE	BEARING	DISTANCE
L1	N27°56'00"E	65.00'
L2	S34°43'12"W	66.00'
L3	S00°48'09"W	60.87'
L4	S06°28'18"E	104.00'
L5	S10°39'14"E	70.00'
L6	S20°16'19"E	40.00'
L7	S04°54'19"W	50.00'
L8	S10°08'00"W	45.08'
L9	S80°20'47"E	67.06'
L10	S67°24'19"E	94.65'

## EXHIBIT "A"

501 Bernard Ave –  
SWPG, LLC- Owner

8.3604 acres where the building is located LEGAL DESCRIPTION:

TRACT 190B, 190C, & 190D, 190E, 190F, 190G  
TRACT 226A, 224, 225B1A1, 225B1B2 & 201B2  
TRACT 225B1A2A & 225B1A3B  
TRACT 225B3, 226B & 230B2B1B



Legend

O = NOT A KNOWN V/OUP FOR ISSUES  
C = PENDING FOR ISSUES  
Q = PENDING FOR ISSUES  
D = PENDING FOR ISSUES  
E = PENDING FOR ISSUES



**THE UNDERSIGNED OATH AND/OR PLEDGE THAT SUCH PARTY IS NOT AWARE OF ANY VIOLATION OF THE PROHIBITION ON DISCLOSURE OF INFORMATION BY AN INDIVIDUAL TO ALL THE PERSONS AND OR PROPERTY INTERESTS OF THE UNITED STATES.**

500

**QUANTITY OF TISSUES )**

2000

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**17. CONT. EMPLOY** \_\_\_\_\_

LANDS OF SWPG, LLC

COMPRISING OF TRACTS 225B2, 226B, 230B2B1B, 226A  
224, 225B1A1, 225B1B2, 201B2, 225B1A3B, 225B1A2A,

190E, 190C, 190D, 190E, 190F, & 190G  
BELEN, VALENCIA COUNTY, NEW MEXICO

NOVEMBER 2016

**Figure 1**

THE PURPOSE OF THIS PLAN IS TO SPREAD AND IMPROVE THE ECONOMY OF THE KINGDOM BY SPENDING TRADING, AND TO OFFER ONE NEW TRADING METHOD TODAY "A" AS ABOVE.

[illegible]

2017年12月15日 星期五

1. **THEORETICAL**—A NEW AND REVISED THEORETICAL FRAMEWORK, SUBSTITUTING CURRENT THEORY CONSIDERED AND AN ADDITIONAL PRACTICAL ELEMENT, THAT THIS ELEMENT IS TAKEN AND CURRENTLY IN THE HAND OF MY RESEARCH AND STUDY, AND THAT THE STUDY AND THAT MEAN THE RESEARCH PROBLEM FOR RESEARCHING IN MY RESEARCH.

**THE E. J. MANNING, JR. FUND**

THESE ARE THE TERMS AND CONDITIONS OF THE SALE:

**119 & 120, FORMATION 5 NORTH**

V/A

August 14, 2010

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# IM SURVEYING

LINDA LA VECIA ROLD  
BOBBIE TILGNER, NY 10000 6700  
FRANK (608) 582-6711

**FILE (FOOI) 000-0400**



**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

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**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 190E, 190C, 190D, 190E, 190G, 226A, 224, 225B1A1, 225B1B2, 201B2, 225B1A2A, 225B1A3B & Township 5 North, Range 2 East, Section 19, Map 100, Tracts 225B3, 226B & 230B2B1B, aka 501 Bernard Ave., Belen, NM, 87002.

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**LEGAL NOTICE PUBLISHED: November 10, 2016**







**CITY OF BELEN, NEW MEXICO**  
**APPLICATION FOR ZONING VARIANCE**

Section 17.04.040 City of Belen Municipal code: "Variance" means a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off street loading requirements

Applicants Name: SWPG LLC Phone: 505-238-7322  
Address: 66661 Ruby NE Albuquerque, NM 87109  
Authorized Agents Name: D'Auna Wood / Dianna Wood Phone: 505-238-7322  
Address: 66661 Ruby NE Albuquerque NM 87109

Address of Property: 501 Bernard Ave. Belen, NM.  
Block and Lot: See Exhibit "A" Addition: \_\_\_\_\_  
Tract Number: \_\_\_\_\_ Map: \_\_\_\_\_  
Total acreage in Tract: 8.3604  
Number of Dwellings: \_\_\_\_\_ Density/Acre: \_\_\_\_\_  
Zoning of Property: Proposed M-C Present Use: Commercial - Previous Commercial

Truck and Repair facility & yard.

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

- Filing fee payment of \$150.00 Double application fees will be charged for uses commenced without approval under the Municipal Code and/or the Zoning Ordinance and for which a citation (violation) may have been issued.
- Letter of transmittal, state why a literal enforcement of Section 17.04.040 City of Belen Municipal Code would result in unnecessary and undue hardship.
- Specify type of variance requested, height, setback, lot coverage, parking requirement.
- Affidavit of ownership.
- Survey plat or scaled drawing of property describing property line, lot dimensions, easements, structures and accessory structures where variance is requested. Indicate dimensions of all structure heights and size of signs.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

**NOTE:** Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Zoning Variance. I have examined and am familiar with the zoning regulations of the present zone and the requested variance. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

D'Auna Wood  
Signature of Applicant

11/01/2016  
Date

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION**

Planning and Zoning Commission Meeting Date: 11-28-16 Approved/Disapproved: \_\_\_\_\_

FEE PAID: 250.00 ~~44.16~~ RECEIPT NO.: 14.000206 DATE: 11-4-16

OWNERS AFFIDAVIT

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We, Danna Wood

(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at

501 Bernard, Belen, NM, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

through the City of Belen. Furthermore, (I) (we) hereby appoint

Dette Wood of ANIC Real Estate LLC as our agent to act in our

behalf on all matters pertaining to the processing of this application.

Danna Wood  
Signed

Dette Ruby DE  
Address

Albuquerque, NM 87109

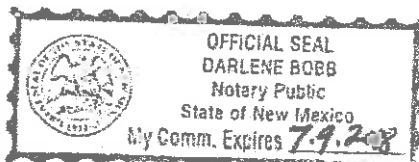
505-238-7322  
Phone

Subscribed and sworn to before me this 27 day of October, 2016.

Darlene Bobb  
Notary

My Commission Expires:

7-9-2018



November 1, 2016

**Request for fence height variance**

501 Bernard Ave. Belen, NM

Owner: SWPG, LLC

See Exhibit "B" Survey

Greetings:

501 Bernard Ave. has historically been used as commercial property repairing heavy equipment, and contractor storage yard.

The property is currently fenced on 70% of the entire perimeter to the west along the ditch. With this request, the remaining 30% of the property which borders a residential area to the east will be fenced. The proposed 7' Pro panel fence would provide visual screening of the commercial subject property as well as a sound barrier for the residential tenants in the neighborhood to the east.

We therefore request this variance of fence height along the east side of the property beginning at the property entry on Bernard Ave. and extending south 300'.

Sincerely,



D'Nette Wood – Agent

## EXHIBIT "A"

501 Bernard Ave –  
SWPG, LLC- Owner

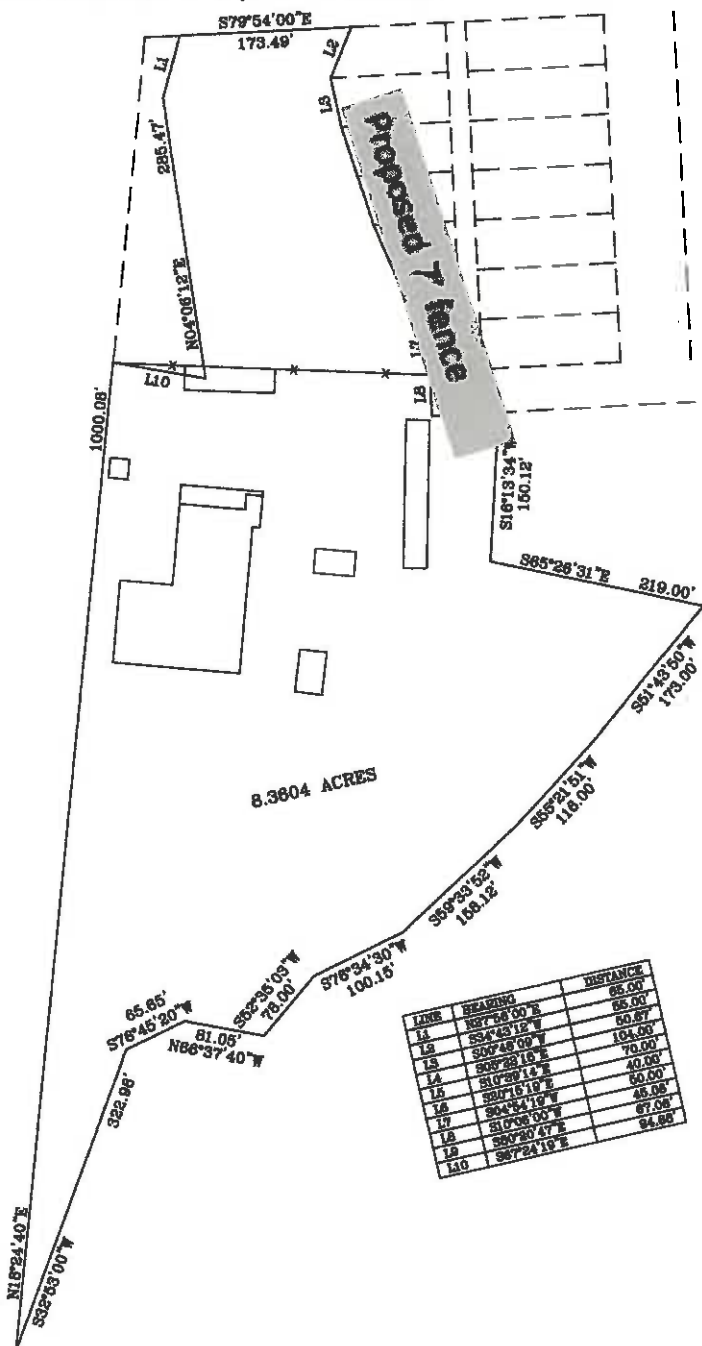
8.3604 acres where the building is located LEGAL DESCRIPTION:

TRACT 190B, 190C, & 190D, 190E, 190F, 190G  
TRACT 226A, 224, 225B1A1, 225B1B2 & 201B2  
TRACT 225B1A2A & 225B1A3B  
TRACT 225B3, 226B & 230B2B1B

**EXHIBIT "B"**  
**Request for fence height variance**  
**501 Bernard Ave.**



**South Main Street**



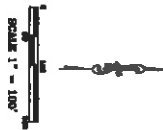
LINE	BEARING	DISTANCE
14	N87°00'00"E	65.00'
15	S54°32'12"W	65.00'
16	S09°48'00"W	50.87'
17	S08°28'16"E	104.00'
18	S10°29'14"E	70.00'
19	S20°15'19"E	40.00'
20	S04°54'19"W	55.00'
21	S10°08'00"W	45.58'
22	S09°08'47"E	67.06'
23	S07°24'19"E	84.95'

QUALITY APPRAISAL

FOOT MEASUREMENT

NEW KROCK GAS COMPANY

### VICINITY MAP



**Legend**

- o = Not F4 result w/out PG result
- = Focus on issue
- = Focused F4 result
- = Focused F4 result

+ - = Transition

- [illegible]

**UNIT 10**

THE UNDERSIGNED OPENS AND/OR PROMOTES THIS ISSUANCE PUBLICLY  
AND/OR PLACES THEREIN THE SIGNATURE AND/OR ENDORSEMENT OF THE  
SIGNER OF THE UNDERSIGNED OPENS AND/OR PROMOTES THEREBY.  
THE UNDERSIGNED OPENS AND/OR PROMOTES THIS ISSUANCE PUBLICLY  
AND/OR PLACES THEREIN THE SIGNATURE AND/OR ENDORSEMENT OF THE  
SIGNER OF THE UNDERSIGNED OPENS AND/OR PROMOTES THEREBY.

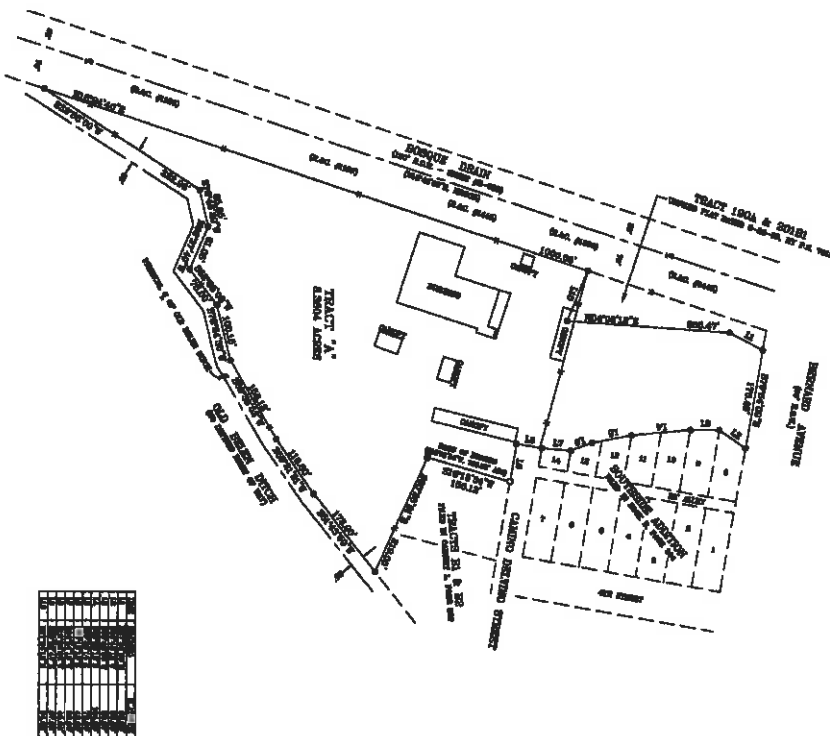
**COUNT OF VICTIMS )**

126. ILLUSTRATION OF A CONCRETE BLOCK IN THE FORM OF A

..... MAY BE ..... IT

NY CORREL. NO. \_\_\_\_\_

**WELSH FOUNDED**



**THE**

1. THE UNDERSIGNED CERTIFY THAT A SEARCH OF THE TAX RECORDS FOR THE YEARS OF 1980 THROUGH 1984 HAVE BEEN MADE, AND HAVE REVEALED THAT ALL TAXES DUE AND PAYABLE FOR THE FOREGOING YEARS (1980) THROUGH 1984 HAVE BEEN PAID.

**PLUMER COUNTY, MISSISSIPPI**

**DATA**

REPEAT OF  
LANDS OF SWPG, LLC  
COMPRISING OF TRACTS 225B2, 226B, 230B2B1B, 226A,  
224, 225B1A1, 225B1B2, 201B2, 225B1A3B, 225B1A2A,  
190B, 190C, 190D, 190E, 190F, & 190G  
BELEN, VALENCIA COUNTY, NEW MEXICO  
NOVEMBER 2016

### **Medical History:**

STANDARD 11) "MAGAZINE OF LITERATURE" FROM SEPTEMBER 19 AND 18, 1919, PAGES 10-11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839

[illegible]

**Abstract**

I, TERRY MARTINE, A US RESIDENCE PERMANENT RESIDENT, CERTIFY THAT I CONSENT AND AM INTERESTED IN THE SERVICE, THAT THE COSTS OF THIS SERVICE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SERVICE AND PLAN HEREIN, THE SERVICE PROVIDED FOR SUBSIDY IN THE SOCIAL.

**THE 1. WASHINGTON, D.C. FORM**

### PROPOSALS FOR COUNTY CLERK

118 4 18, 1900

W/A

**Received 19, 2018**

**7. FUEL, MINIMUMS - 3000L GROSS W**

**TM SURVEYING**  
THE MASTERPIECE - MEETING STANDARDS  
1250 LA VEGA ROAD  
BOCA RATON, FLORIDA 33433  
TEL: (305) 399-0701





**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTIONS: D'NETTE WOOD.**

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 190E, 190C, 190D, 190E, 190G, 226A, 224, 225B1A1, 225B1B2, 201B2, 225B1A2A, 225B1A3B & Township 5 North, Range 2 East, Section 19, Map 100, Tracts 225B3, 226B & 230B2B1B, aka 501 Bernard Ave., Belen, NM, 87002.

You are further notified that this public hearing will be held on **Monday, November 28, 2016 at 6:30 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: November 10, 2016**

Add to  
Omit

- D. Substantial modifications to landscaping will require review and approval of a revised landscape plan by the city engineer. Minor modifications of the landscaping occurring as a result of routine maintenance or replacement of vegetation because of damage or disease are not subject to approval by the city engineer.
- E. Irrigation systems will be maintained and replaced as necessary to minimize loss of water due to leaks or inefficient use of water.

(Ord. 1998-28 § 5)

## **17.54.060 – Fences**

### **A. General Standards**

- 1) Fences and screening shall be permitted in all zones, as provided in this Section.
- 2) The height and location requirement of this section may be modified as part of a subdivision, planned area development, special use, or conditional use approval.
- 3) On that part of the lot other than the required front setback area, fences may be erected up to six (6) feet in height.
- 4) Any fence above six feet (6) in height shall be designed by a New Mexico registered structural engineer and approved by the City of Belen.
- 5) The fence details shall show the proposed method of construction and anchoring of the fence, posts, and gate.
- 6) The fence details shall clearly show the distance to the sight line of a street right-of-way to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained as per **18.31.6 NMAC**, *State Highway Access Management Requirements* Table 18.F-2.

### **B. Rural Zoning Districts A-R, R-1, R-1A, R-2, R-2A, R-3, R-4**

- 1) There shall be no fences or screening located from the front corner of the house or garage within the front setback.
- 2) A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence.
- 3) Fencing materials shall consist of, but is not limited to, adobe, pro panel, concrete, wrought iron, wood slats, brick, stucco, and manufactured decorative fencing. Post and rail fencing is limited to a 1 acre or larger parcel.
- 4) Street facing fences shall be in a color that matches or is in harmony with the structure/home.
- 5) The use of barbed wire, chain link, wire mesh are not allowed within the Rural Zoning Districts unless in an agricultural zone for the purpose of animal containment and agricultural cropland protection.

Add to  
Omit

- 584 6) The use of railroad ties, pallets, corrugated steel and razor wire are not permitted  
585 within the Rural Zoning districts .  
586 7) Fence lighting shall adhere to night sky regulation, be low profile, no more that 18"  
587 above fence line and not be in a position to interfere with abutting owners privacy.

588

589 **17.54.060 070- Administrative review and fee.**

590 These landscape & fencing regulations shall be enforced by the City Planning and Zoning  
591 Department officer who is authorized to review and approve landscape plans. Applicants for  
592 building permits to be granted by the city for commercial or industrial development shall confer  
593 with the City Planning and Zoning Department officer regarding the landscape requirements  
594 contained herein. An administrative fee of thirty dollars (\$30) ~~fifteen dollars (\$15.00)~~ shall be  
595 paid to the City to cover the landscape plan review costs. For complex and extensive landscape  
596 plans, the City Planning and Zoning Department officer may request an independent review of  
597 such plan by the city engineer or other qualified individual. Specific costs associated with an  
598 independent review of a landscape plan shall be paid to the City by the building permit  
599 applicant. All reviews of landscape plans shall be completed within thirty (30) days of receipt  
600 and documented with reasons given for approval or disapproval. Requests for variances or  
601 waivers to the requirements of these regulations shall be submitted to the City Planning and  
602 Zoning Department officer in writing. A variance or waiver may be granted or denied at the  
603 discretion of the City Planning and Zoning Commission officer with reasons given in writing and  
604 returned within thirty (30) days of receipt of the request for variance or waiver. Any decision  
605 made by the City Planning and Zoning Department officer in carrying out the provisions of these  
606 regulations may be appealed to the Belen City Council.

607 (Ord. 1998-28 § 6)

608